

REMARKS

A. Introduction

Claims 1-20 have been presented for examination.

Claims 1-10 have been elected without traverse.

Claims 11-20 have been restricted.

Claims 21-30 have been added with this Response.

Claims 1 and 2 have been rejected under 35 U.S.C. §102(b).

Claims 1-6 have been rejected under 35 U.S.C. §103(a).

Claims 7-10 have been objected to as being dependent upon a rejected base claim.

Claims 1, 5, 6, 7, 9 and 10 have been amended.

Claim 8 has been cancelled.

With regard to Claims 1-7, 9 and 10, reexamination and reconsideration is requested based on the remarks as more fully set forth below.

B. Rejection of Claims 1 and 2 Under 35 U.S.C. §102(e)

The Examiner rejected Claims 1 and 2 under 35 U.S.C. §102(e) as being anticipated by Juan (U.S. Patent No. 6,311,805 B1). The Examiner has suggested that Juan disclosed a manual braking system comprising all elements of Claims 1 and 2 as claimed including caliper type brakes mountable to said wheelchair; a manual brake actuator; a braking cable connected from said caliper type brakes to said manual braking actuator over a pulley, said pulley being mountable on said wheelchair and providing substantially equal force on each of said caliper type brakes and wherein the axis of said pulley is displaceable. Although Juan discloses brakes mounted to a bicycle, the Examiner argues that there is no evidence that braking system in Juan could not be mounted on a wheelchair.

The Applicant respectfully disagrees with the Examiner's assertion that Juan discloses all of the elements as claimed in Claims 1 and 2 of the application. For anticipation under 35 U.S.C. §102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. M.P.E.P. §706.02. The Preamble to Claim 1 in the application states "a manual braking system for wheels of a wheelchair comprising:." All three elements of Claim 1 require some apparatus of the claimed invention to be mountable to or on said wheelchair. Thus, being mountable to or on a wheelchair is an aspect of the claimed invention that must be disclosed by Juan. The braking system in Juan is disclosed as being mountable only to a bicycle. Nothing in Juan teaches that the brakes are mountable to a wheelchair. In fact, Juan does not mention the apparatus of the braking system being mountable to any other device other than a bicycle. Thus, Juan does not teach every aspect of the claimed invention in Claims 1 and 2.

Nonetheless, the Applicant has amended Claim 1 to require that the caliper type brakes and the manual brake actuator be mounted to a wheelchair as opposed to mountable. As indicated above, the braking system in Juan discloses as being mounted only to a bicycle. Thus, Juan does not teach every aspect to Claim 1 as amended and Claim 1 is patentably distinguished over Juan. For the same reason, Claim 2, being dependent from Claim 1, is also patentably distinguished over Juan.

C. Rejection of Claims 1-6 Under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over Hartman (U.S. Patent No. 4,826,190) in view of Adams (U.S. Patent No. 6,409,195). Here, the Examiner has suggested that Hartman discloses a manual braking system comprising brakes mountable to a wheelchair; a manual brake actuator (lever 151) mountable to a wheelchair; a braking cable (156 L 156 R) connected from the brakes to the manual braking actuator over a

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pulley, the pulley being mountable on the wheelchair and providing substantially equal force on each of the brakes; the axis of the pulley is displaceable; a lever pivotally mounted to the wheelchair whereby the lever provides a variable braking force to the pulley and a linking element (153) connected to both the pulley and lever causing the pulley to displace when the lever is rotated. The Examiner missed that Hartman does not disclose caliper type brakes or brakes which assert a braking force specifically to discs. The Examiner further suggests that Adams discloses a wheelchair (100) having a single braking mechanism with caliper type brakes which assert a braking force to wheel discs.

The Applicant respectfully disagrees with these assertions by the Examiner. Hartman does not disclose a wheelchair. As stated in Adams, a wheelchair is designed by use by persons such as paraplegics, who have lost the use of their legs. (See Adams, Column 2, Lines 1-2.) The vehicle in Hartman is described as a “pedal powered recumbent tricycle” (See Hartman Abstract, Line 1.). Furthermore, it is clear from Figs. 1 and 2 that the vehicle in Hartman is powered by a pedal crank assembly which is designed to be operated with the user’s legs and feet. Thus, Hartman is not a wheelchair as that term is known in the art. Hartman is not analogous prior art. Furthermore, there is not teaching or suggestion in Hartman that the tricycle in Hartman should be modified for use for an individual with leg or arm disabilities. Nevertheless, Claim 1 has been amended in order to ensure that patently distinguishes over Hartman and Adams. Claim 1 has been amended to include a requirement that the manual brake actuator in the present invention provides an incremental braking force to the caliper brakes. This incremental braking force allows the wheelchair user to release the manual brake actuator in incremental braking positions. This allows the user the use of his hands on the wheels of the wheelchair for steering purposes. Neither the wheelchair in Adams nor the tricycle in Hartman disclose a manual brake

actuator that allows for this incremental braking force. Instead, the braking levers in Hartman Adams require the wheelchair or the tricycle user to continually apply braking force with their hands and/or arms without release. Once released, the levers automatically and immediately move back to their non-braking positions.

Consequently, Claim 1, as amended, patentably distinguishes over Hartman in view of Adams. For the same reason, each of the dependent Claims 2-5, which depend from Claim 1, also patentably distinguish over Hartman in view of Adams.

D. Objection to Claims 7-10

The Examiner objected to Claims 7-10 as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant submits that since Claims 1-6, as set forth above, are allowable, Claims 7-10 are also allowable without amendment.


CONCLUSION

In view of the above, it is submitted that Claims 1-7, 9, 10 and 21-30 are in a condition for allowance. If impediments to the allowance of Claims 1-10 remain and a telephone conference between the undersigned and the Examiner would help to remove such impediments in the opinion of the Examiner, a telephone conference is respectfully requested.

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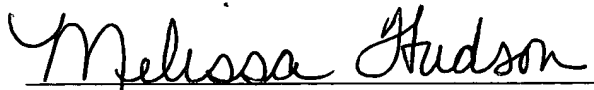


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